

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

In re	§	
	§	
SCC KYLE PARTNERS, LTD.,	§	CASE NO. 12-11978-hcm
	§	Chapter 11
Debtor	§	
	§	
WHITNEY BANK, SUCCESSOR BY	§	CAUSE NO. A-13-CV-756-LY
MERGER TO WHITNEY NATIONAL	§	
BANK, INDIVIDUALLY AND AS	§	
AGENT FOR CERTAIN PRE-PETITION	§	
LENDERS,	§	
Appellant,	§	
v.	§	
SCC KYLE PARTNERS, LTD., and	§	
VALERIE WENGER, TRUSTEE,	§	
Appellees	§	

MOTION TO DROP PARTY

TO THE HONORABLE LEE YEAKEL, UNITED STATES DISTRICT JUDGE:

COMES NOW, Judy A. Robbins, United States Trustee for Region 7, through the undersigned counsel and files this Motion to Drop Party, and in support thereof, respectfully shows the Court as follows:

1. The Court has jurisdiction of this Motion under 28 U.S.C. §158(a)(1). This Motion is filed pursuant to Federal Rule of Civil Procedure 21.
2. This is an appeal of the Bankruptcy Court's confirmation of SCC Kyle Partners, Ltd.'s plan of reorganization.

3. The Certificate of Transmission of Bankruptcy on Appeal (docket entry 1) contained a List of Parties to the Appeal as Attachment 2. That list included, among other parties, the United States Trustee. The undersigned was listed as bankruptcy counsel for the United States Trustee.

4. When this appeal was docketed in the District Court, the undersigned was designated as both the Trustee in this case and as an Appellee. None of the other parties on the List of Parties to the Appeal (except SCC Kyle) was designated as an Appellee.

5. There is no trustee in SCC Kyle's bankruptcy case. The Bankruptcy Court did not direct the appointment of a trustee under 11 U.S.C. §1104. The undersigned is not the Trustee in SCC Kyle's bankruptcy case. Judy A. Robbins is the duly appointed United States Trustee for Region 7, which includes the Western District of Texas. 28 U.S.C. §581(a)(7). She is not the Trustee in SCC Kyle's bankruptcy case.

6. The United States Trustee is not a prepetition creditor of SCC Kyle Partners, Ltd. ("SCC Kyle"), did not have the right to vote on SCC Kyle's plan of reorganization, and did not participate in the confirmation hearing.

7. It therefore appears that the undersigned was designated as the Trustee and as an Appellee in error. The undersigned should therefore be dropped as a party.

WHEREFORE, PREMISES CONSIDERED, Judy A. Robbins, United States Trustee for Region 7, prays that the Court drop Valerie Wenger as a party to this

appeal pursuant to Federal Rule of Civil Procedure 21, and to grant such other and further relief to which she may justly be entitled.

Respectfully submitted,
JUDY A. ROBBINS
UNITED STATES TRUSTEE
REGION 7

By: /s/ Valerie L. Wenger
Henry G. Hobbs, Jr.
SBOT No. 0790116
Assistant U.S. Trustee
Valerie L. Wenger
SBOT No. 21176300
Trial Attorney
903 San Jacinto Blvd., Rm. 230
Austin, TX 78701
(512) 916-5328
(512) 916-5331 (fax)
Valerie.l.wenger@usdoj.gov

CERTIFICATE OF SERVICE

I certify that I sent a true copy of this Motion to Drop Party by prepaid first class mail to the persons listed below on September 5, 2013.

/s/ Valerie L. Wenger
Valerie L. Wenger

James G. Ruiz
Winstead PC
401 Congress Ave., Ste. 2100
Austin, TX 78701
ATTORNEY FOR WHITNEY BANK

Eric J. Taube
Mark Curtis Taylor
Hohmann, Taube & Summers, LLP
100 Congress Ave., Ste. 1800
Austin, TX 78701-4042
ATTORNEYS FOR SCC KYLE PARTNERS, LTD.